

Application Serial No: 10/730,184
In reply to Office Action of 11 May 2004

Attorney Docket No. 82995

REMARKS / ARGUMENTS

Claims 1-13 are currently pending in the application. No claims are allowed. Claims 1, 2, 5, 7 and 9-13 are rejected and claims 3, 4, 6 and 8 are objected to. Claims 3, 5, 8, 9, 10, 11, 12 and 13 are amended by this response. Claims 1, 2 and 7 are canceled without prejudice or disclaimer.

In the Office Action, claims 9-10 and 12-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office Action states that in claim 9, line 2; and in claim 12, line 2; the phrase "said exterior lacks an antecedent. In claim 10, lines 1-2; and in claim 13, lines 1-2; it is not understood as to how the subsequently claimed claim language (claim 10, lines 3-9 and claim 13, lines 3-9) can be correctly described as constituting a "means for rotating". The sonar arrays 124, 144 and processing means 40 is more aptly described as a sensing and processing means.

In Office Action, rejected claims 1-2, 5, 7, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dougan (reference A: U.S. Patent No. 1,303,266).

Dougan (266) discloses a weapon system comprising:

a) a vehicle;

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| b) a first portion; | 25 |
| c) a second portion; | 26 |
| d) a gun system; | see fig. 14 |
| e) a gun; | 30 |
| f) a waterproof housing; | page 3, lines 1-40;
claim 15 |
| g) a gun muzzle extending from the housing; | see fig. 2 |
| h) means for rotating the gun; | page 3, lines 66-75 |
| i) a fixed wing; and | 37 |
| j) a plurality of movable control surfaces | 38 |

In the Office Action claims 3-4, 6 and 8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims.

The Office Action states that claims 9-10 and 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

These rejections and objections are respectfully traversed in view of these amendments and remarks that follow. Applicant

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therefore solicits reconsideration and allowance of the claims of the above-identified application.

In the Office Action, claims 9, 10, 12 and 13 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In response, claims 9, 10, 12 and 13 have been amended to the changes suggested by the Office Action. As a result, the rejections under 35 USC 112 are resolved for these claims.

In Office Action, rejected claims 1, 2, 5, 7, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dougan, U.S. Patent No. 1,303,266. In response, claims 1, 2 and 7 have been cancelled without prejudice or disclaimer; therefore, the rejections under 35 USC 102 are resolved for these claims.

In regard to claims 5 and 11, the claims have been amended to be dependant on amended claims 3 and 8 respectively. As noted below, claims 3 and 8 have been amended into allowable form. Amended claims 5 and 11 which claim a "means for propulsion" are supported in the specification to be part of a weapon system with a tow coupling (amended claims 3 and 8) in that FIGS 1 and 2 depict a tow coupling while FIG. 4 depicts propulsors without a tow coupling. Yet it is noted that the tow coupling can be eliminated but it can be implied that it does not have to be eliminated (See Page 8, line 23 - page 9, line 5). As a result, amended claims 5 and 11 are distinguishable from and would not be anticipated by the Dougan reference.

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Therefore, the rejections under 35 USC 102 is resolved for these claims.

In the Office Action claims 3, 4, 6 and 8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitation of the base claim and any intervening claims. In response, claims 3 and 8 have been rewritten into independent form with all of the limitations of the base claim and any intervening claims. Claims 4 and 6 maintain their original dependency on amended claim 3, which has been rewritten into allowable form. As a result of the incorporation of the limitation of the rejected base claims into amended claims 3 and 8, the objections of the Office Action are therefore resolved for claims 3, 4, 6 and 8.

The Office Action states that claims 9-10 and 12-13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. In response, claims 9, 10, 12 and 13 have been amended to the changes suggested by the Office Action and maintain their dependency to amended claim 8, which as noted above has been rewritten for allowance. As a result, the rejections under 35 U.S.C. § 112 are resolved for these claims.

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In view of these amendments and the remarks above,
applicants respectfully request reconsideration and allowance of
the application.

The Examiner is invited to telephone Michael P. Stanley;
Attorney for Applicants, at 401-832-6393 if, in the opinion of
the Examiner, such a telephone call would serve to expedite the
prosecution of the subject patent application.

Respectfully submitted,
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29 July 2004

By


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